

Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240 • Fax 503-537-1272 • www.newbergoregon.gov

NOTICE OF DECISION
DR120-0002 – 612 E Donald Court –
Sharp ADU

April 2, 2020

Roger Sharp
612 E Donald Court
Newberg, OR 97132

Dear Mr. Sharp,

The Community Development Director has approved the design review application DR120-0002 for a detached Accessory Dwelling Unit (ADU). This decision will become effective on April 16, 2020, unless an appeal is filed.

You may appeal this decision to the Newberg Planning Commission within 14 calendar days of this decision in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. If you wish to appeal, you must submit the written appeal form together with the required fee of \$541.80 to the Planning Division within 14 days of the date of this decision.

The deadline for filing an appeal is 4:30 pm on April 15, 2020.

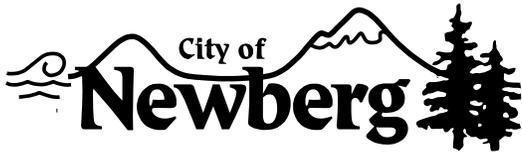
Design review approval is only valid for one year from the effective date above. If design review approval on your project is approaching its expiration date, contact the Planning Division regarding extension opportunities.

If you have any questions, please contact me at 503-537-1215 or keith.leonard@newbergoregon.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Keith Leonard".

Keith Leonard, AICP
Associate Planner
City of Newberg



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STAFF REPORT
DR120-0002– 612 E Donald Court –
Sharp ADU

FILE NO: DR120-0002

REQUEST: Approval of a new detached ADU

LOCATION: 612 E Donald Court

TAX LOT: R3207DD 03614

APPLICANT: Roger Sharp

OWNER: Roger Sharp

ZONE: R-1 (Low Density Residential)

OVERLAYS: Airport Overlay (Conical Surface)

Site Information

Access and Transportation: Access to the lot is provided via a driveway from E Donald Court, which is a local residential street in the City's Transportation System Plan (TSP).

Utilities:

Water: There is an existing 4-inch public water line documented in the City's Geographic Information System (GIS) on E Donald Court.

Wastewater: There is an existing 8-inch public wastewater line documented in the City's GIS on E Donald Court.

Stormwater: There are no stormwater facilities adjacent to the subject property.

Overhead Lines: There no existing overhead utility lines along the property frontage on E Donald Court. New or modified service connections are required to be undergrounded.

FINDINGS

Newberg Development Code 15.220.050(A), Type I. The following criteria are required to be met in order to approve a Type I design review request:

1. Parking. Parking areas shall meet the requirements of NMC 15.440.010.

Finding: The subject property is zoned R-1. Section 15.440.010 (A) states that “off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones.” As of January 1, 2020, Accessory Dwelling Units (ADUs) do not require a parking space. Section 15.440.030 requires each single-family dwelling to have 2 on-site parking spaces. Section 15.410.020(A)(1) requires a front yard of not less than 15 feet. Section 15.440.060(G)(1) states “(G) parking areas for residential uses shall not be located in a required front yard, except as follows: (1) Attached or detached single-family or two-family: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard”. The applicant has a two car attached garage to the main building or the single-family dwelling and vehicles could also park on the driveway approach to the garage. The garage is setback 32 feet from the E Donald Court right-of-way, so at least two more vehicles could park on the driveway.

This criterion is met because the applicant is providing off-street parking spaces on the development site, all parking spaces are outside of the required front yard setback and ADUs do not require vehicle parking.

2. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

15.415.010 Main buildings and uses as accessory buildings.

A. Hereinafter, any building which is the only building on a lot is a main building.

B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.

C. In any residential district, there shall be no more than two accessory buildings on any lot or development site.

Finding: The detached ADU will be located in the back yard behind the main building. The applicants' site plan shows the ADU setback 5 feet from the interior property lines but there are no dimensions shown on the site plan for the setback from the ADU to the main building. The applicant should be aware that if the ADU is located closer than 5 feet from the main building then the ADU will be considered part of the main building. Parking and lot coverage

calculations will be checked during the building permit review process. Additionally, the building department may require fire walls if the ADU is too close to the main building. All ADU setbacks will be checked for compliance during the building permit review process. Both the ADU and single-family dwelling are considered residential uses. A home occupation is not being proposed for either the ADU or main building. ADUs are allowed within the R-1 Zoning District as a permitted use. Residential districts allow two detached accessory building per lot, the ADU will count as one detached accessory building.

These criteria are met because there will be one main building and a detached ADU on an existing lot. The uses will be residential and no accessory buildings or home occupations are being proposed.

15.415.020 Building height limitation.

A. Residential.

1. In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:

a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.

Finding: The applicants' narrative states that the ADU will be 15 feet in height, which is less than the maximum height of 16 feet for an accessory building or 24 feet for 800 square feet of an accessory building. The existing main building is 25 feet 3 inches in height, no modifications are proposed for the main building. No elevation drawings were submitted.

These criteria are met because the applicants' narrative has described the detached ADU as not exceeding the maximum allowable height of 16 feet. The height of the ADU will be confirmed through the building permit review process.

E. Alternative Building Height Standard. As an alternative to the building height standards above, any project may elect to use the following standard (see Figure 24 in Appendix A). To meet this standard:

- 1. Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and**
- 2. Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.**

F. Buildings within the airport overlay subdistrict are subject to the height limits of that subdistrict.

Finding: This section of the NMC is not applicable because the proposed ADU will be detached from the main building and this section is applicable to main buildings. Additionally, the applicant has stated that the ADU will not exceed the maximum allowable height of 16 feet for detached accessory buildings or 24 feet for 800 square feet of an accessory building.

15.415.030 Building height exemptions.

Roof structures and architectural features for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, TV antennas, steeples and similar structures may be erected above the height limits prescribed in this code; provided, that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the airport overlay subdistrict.

Finding: The applicant is not proposing adding any roof structures or architectural features to the existing main building. This section of the NMC is not applicable because the applicant is not changing the height of the existing main building.

15.415.040 Public access required.

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city.

Finding: This criterion is met because the subject property has direct access to E Donald Court, which is an existing local public street.

15.415.050 Rules and exceptions governing single-family attached dwellings.

In all residential districts, single-family attached dwelling units may be permitted, provided:

- A. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot which includes existing lots of record.***
- B. The dwelling units shall have a common wall at the zero lot line.***
- C. The combined area of lots shall not be less than the lot area required in the residential district.***
- D. The lot or development site area requirement per dwelling unit listed in this code shall apply to each individual lot.***
- E. The setback requirements will apply to each dwelling unit independently, except that the setback for the zero lot line shall be waived.***
- F. Each dwelling unit shall have independent services which include, but are not limited to, wastewater, water and electricity.***
- G. Authorization of single-family attached dwelling units does not waive any requirement specified within the current edition of the Oregon Residential Specialty Code or other applicable requirements.***
- H. Maximum lot coverage requirements specified in this code shall apply to each individual lot.***
- I. A site plan is approved by the director prior to issuance of a building permit. In approving a site plan, the director may attach any conditions necessary to fulfill the purpose of this code.***

Finding: ADUs are defined separately within the NMC and do not fall under the definition of single-family attached dwellings and the applicant is proposing a detached ADU. These criteria are not applicable because the applicant is not proposing to construct a new single-family attached dwelling.

15.405.010 Lot area – Lot areas per dwelling unit.

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

- 1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.***

Finding: According to the City of Newberg's GIS, the subject property is approximately 9,345 square feet in area exceeding the 5,000 square foot minimum. Additionally, the subject property is an existing lot of record.

This criterion is met because the subject property is a pre-existing tax lot that is greater than 5,000 in area.

2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

Finding: This criterion is not applicable as the lot is not within the R-2, R-3 or RP Districts.

B. Lot or Development Site Area per Dwelling Unit.

1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit.

Finding: Although the terms “dwelling unit” are included in ADU or Accessory Dwelling Unit, lot or development site minimum square footage per dwelling unit is not applicable to ADUs for density calculations. ADUs are accessory to the main use or the existing single-family dwelling located on the subject property. Lot or development site area per dwelling unit requirements are only applicable to the main use or single-family dwelling unit.

This criterion is not applicable because the ADU is accessory to the existing single-family dwelling unit and not considered a standalone dwelling unit for the purpose of calculating maximum density.

2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

Finding: This criterion is not applicable as the lot is not within the R-2, AR or R-P Districts.

15.405.030 Lot dimensions and frontage.

D. Frontage.

1. No lot or development site shall have less than the following lot frontage standards:

a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No

new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).

b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.

c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.

Finding: These criteria are not applicable because the applicant is not proposing to create a new tax lot.

15.405.040 Lot coverage and parking coverage requirements.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

1. Maximum Lot Coverage.

a. R-1: 40 percent, or 50 percent if all structures on the lot are one story.

2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.

3. Combined Maximum Lot and Parking Coverage.

a. R-1, R-2 and RP: 60 percent.

Finding: The subject property is zoned R-1, which allows a maximum lot coverage of 40% for a 2-story homes or 50% if all structures on the lot are one story. Maximum allowable parking coverage is 30% and a combined lot and parking coverage of up to 60% is permitted. According to the City's GIS, the lot has an area of 9,345 square feet. The applicant states the lot coverage is 1,825 square feet or 19.5% for the primary building. However, the applicant narrative addressing the ADU criteria for Section 15.445.260(B)(2), the applicant states that their home is 1,465 square feet, which would yield a 16% lot coverage. The applicant has indicated that the ADU will be 360 square feet, which would result in 3.8% additional lot coverage. Both lot coverage calculations discussed here are under the maximum lot coverage of 40%. The applicant states that the driveway covers 756 square feet or 8% parking coverage, which is under the 30% maximum allowable parking coverage. The maximum combined lot and parking coverage based on the square footages provided by the applicant is 31.3%, which is under the maximum allowable combined coverage of 60%. No additional lot or parking coverage is being proposed by the applicant.

These criteria are met because the applicants' lot, parking and combined lot and parking coverage still complies with this section of the NMC.

15.410.020 Front yard setback.

A. Residential

- 1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.**

Finding: These criteria are not applicable because the applicant is not proposing the expansion of the existing main building footprint. The applicant has proposed a detached ADU that will be placed behind the main building.

15.410.030 Interior yard setback.

A. Residential.

- 1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.**

Finding: The applicants' site plan illustrates the ADU being setback 5 feet from the interior property lines. Please be aware that all setbacks for the proposed detached ADU will be checked for compliance with the NMC during the building permit review process.

The setbacks associated with the proposed detached ADU will be verified to comply with the NMC interior yard setback requirements during the building permit review process.

- 3. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.**

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family dwellings:

- 4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.**

- b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.**

Finding: The site is the location of an existing single family home. E Donald Court is a local street with curb-tight sidewalks. There will be no requirement for street trees because there is no planter strip.

These criteria are not applicable because there is no planter strip along the frontage of the lot where the main building and proposed ADU will be located.

4. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

Finding: This criterion is not applicable because the applicant is not proposing any signs as part of this project.

5. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.303 and 15.305.

Finding: This criterion is met because single-family dwellings and ADUs are permitted by right within the R-1 District per Section 15.305.020 of the NMC.

Newberg Development Code 15.445.060. The following criteria are required to be met in order to approve an Accessory Dwelling Unit request:

A. Location. Accessory dwelling units are outright permitted uses in the R-1, R-2, R-3, RP, I and AR zones. Accessory dwelling units are a conditional use in the C-2 and C-3 zones.

Finding: The proposed ADU is located in the R-1 District and permitted by right.

This criterion is met because ADUs are permitted by right in the R-1 District.

B. Limitations. An accessory dwelling unit is permitted, providing there is compliance with all of the following standards:

- 1. An accessory dwelling unit may be created within the interior or as an addition to an attached or detached residential structure or as a freestanding accessory building.**

Finding: This criterion is met because the applicant is proposing an ADU as a freestanding accessory building.

- 2. An accessory dwelling unit may not exceed 50 percent of the size of the primary unit, up to a maximum of 1,000 square feet.**

Finding: The applicants' narrative indicates the existing house is 1,465 square feet. The proposed ADU will be 360 square feet. The ADU is 25% of the primary unit and meets the requirement.

This criterion is met because the proposed ADU would be less than 50% of the square footage of the primary unit.

- 3. The number of residents permitted to inhabit the accessory dwelling unit is regulated by the current edition of the Oregon Residential Specialty Code.**

Finding: This criterion will be reviewed through the building permit review process, which will establish the maximum number of occupants for the ADU.

- 4. In addition to the number of parking spaces required for the primary residence, as established in NMC 15.440.030, one on-site parking space shall be provided for the accessory dwelling unit. This parking space shall be paved and/or covered.***

Finding: As of January 1, 2020, ADUs are no longer required to provide one on-site parking space.

- 5. Owner occupancy of the primary unit or accessory dwelling unit is not required.***

Finding: The applicant noted that they live in the primary unit and acknowledged that the primary unit and ADU do not have to be owner occupied.

- 6. An accessory dwelling unit cannot be partitioned or subdivided from the parcel of the primary unit if there are shared water and wastewater lines.***

Finding: There are no proposals for a partition or subdivision under this application and the ADU will be located in a freestanding accessory building.

This criterion is met because the applicant is not proposing to partition or subdivide the existing lot and the applicant is proposing a detached ADU in a freestanding accessory building.

- 7. There shall be compliance with all of the development standards established in the base zone.***

Finding: An ADU is permitted by right within the R-1 District, the drawings and narrative that the applicant has provided for review illustrate that the existing primary unit meets required yard setbacks, height, vision clearance standards and all other base zone requirements.

Conclusion: The design review for the ADU meets the applicable criteria as proposed. The application for the proposed ADU is approved.

Engineering Notes:

Permits required for construction of the proposed ADU include any applicable Building Permits, Public Improvement Permit for connections to public utilities/infrastructure, and an Erosion and Sedimentation Control (ESC) Permit for any ground disturbance during construction.

1. According to NMC 15.430.010 existing utilities lines shall be placed underground when they are newly installed or relocated.
2. The City of Newberg has stormwater requirements which are outlined in NMC 13.25 Stormwater Management and in the Public Works Design and Construction Standards. If the applicant creates more than 500 square feet of net new impervious

surface area, they will be required to meet the City's standards for treating and detaining stormwater.

3. A Transportation System Development Charge (TSDC) for the ADU will be assessed at the time of the Building Permit.

Building Division Notes:

1. An approved building permit will be required prior to any construction taking place. All construction must comply with Oregon Building Codes.
2. It is advised that you contact the Building Division prior to submitting building plans to determine how close an ADU can be placed to the main building before firewalls become requirement.

Planning Division Notes:

1. Street trees will not be required due to the ADU being located on a lot with curb-tight sidewalks and no planter strip.